

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DR. MORGAN REYNOLDS on behalf §  
of the UNITED STATES OF AMERICA §

Plaintiff, §

vs. §

SCIENCE APPLICATIONS §  
INTERNATIONAL CORP.; APPLIED §  
RESEARCH ASSOCIATES, INC.; §  
NuSTATS; COMPUTER AIDED §  
ENGINEERING ASSOCIATES, §  
INC.; DATASOURCE, INC.; §  
GEOSTAATS, INC.; GILSANZ §  
MURRAY STEFICEK LLP; HUGHES §  
ASSOCIATES, INC.; AJMAL ABBASI; §  
EDUARDO KAUSEL; DAVID PARKS; §  
DAVID SHARP; DANIELE VENEZANO; §  
JOSEF VAN DYCK; KASPAR WILLIAM; §  
ROLF JENSEN & ASSOCIATES, INC.; §  
ROSENWASSER/GROSSMAN §  
CONSULTING ENGINEERS, P.C.; §  
SIMPSON GUMPERTZ & HEGER, INC.; §  
S. K. GHOSH ASSOCIATES, INC.; §  
SKIDMORE, OWINGS & MERRILL, §  
LLP; TENG & ASSOCIATES, INC.; §  
UNDERWRITERS LABORATORIES, §  
INC.; and WISS, JANNEY, ELSTNER §  
ASSOCIATES, INC. §

Defendants. §

Case No. 07CV4612 (GBD)

**APPLIED RESEARCH ASSOCIATES, INC.'S  
NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon Defendant Applied Research Associates, Inc.'s Motion For Sanctions Pursuant to Fed. R. Civ. P. 11 and § 3730(d)(4) of the FCA, and all prior pleadings and proceedings in this case, the undersigned will move this Court, before the Honorable George B. Daniels, United States District Judge, at the United States Courthouse located at 500 Pearl Street, New York, New York, at a date and time to be set by the Court, for an order pursuant to Fed. R. Civ. P. 11 and § 3730(d)(4) of the FCA issuing sanctions against

Plaintiff/Relator Dr. Morgan Reynolds and his attorney Jerry V. Leaphart and such other and further relief as the Court may deem just and proper.

Dated: December 26, 2007  
Denver, Colorado

  
s/ Gail D. Zirkelbach

Adam S. Ennis  
SDNY Bar No. AE9468  
Jackson Kelly PLLC  
Three Gateway Center, Suite 1340  
Pittsburgh, PA 15222  
Telephone: 412-434-8804  
Facsimile: 412-434-8062  
Email: aennis@jacksonkelly.com

Wm. David Byassee, Esq.  
(admitted *pro hac vice*)  
Gail D. Zirkelbach, Esq.  
(admitted *pro hac vice*)  
Jackson Kelly PLLC  
1099 18th Street, Suite 2150  
Denver, Colorado 80202  
Telephone: 303-390-0188  
303-390-0033  
Facsimile: 303-390-0177  
Email: dbyassee@jacksonkelly.com  
gdzirkelbach@jacksonkelly.com

E. Leslie Hoffman, III, Esq.  
(admitted *pro hac vice*)  
Jackson Kelly PLLC  
310 West Burke Street  
Martinsburg, WV 25401  
Telephone: 304-263-8800  
Facsimile: 304-263-7110  
Email: phoffman@jacksonkelly.com

*Counsel for Applied Research Associates, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26th day of December 2007, I served the foregoing **APPLIED RESEARCH ASSOCIATES, INC.'S NOTICE OF MOTION** via overnight Federal Express on:

Jerry V. Leaphart, Esq.  
8 West Street, Suite 203  
Danbury, CT 06810  
*Counsel for Relator*

*Gail D. Zirkelbach*  
s/ Gail D. Zirkelbach

Adam S. Ennis  
SDNY Bar No. AE9468  
Jackson Kelly PLLC  
Three Gateway Center, Suite 1340  
Pittsburgh, PA 15222  
Telephone: 412-434-8804  
Facsimile: 412-434-8062  
Email: aennis@jacksonkelly.com

Wm. David Byassee, Esq.  
(admitted *pro hac vice*)  
Gail D. Zirkelbach, Esq.  
(admitted *pro hac vice*)  
Jackson Kelly PLLC  
1099 18th Street, Suite 2150  
Denver, Colorado 80202  
Telephone: 303-390-0188  
303-390-0033  
Facsimile: 303-390-0177  
Email: dbyassee@jacksonkelly.com  
gdzirkelbach@jacksonkelly.com

E. Leslie Hoffman, III, Esq.  
(admitted *pro hac vice*)  
Jackson Kelly PLLC  
310 West Burke Street  
Martinsburg, WV 25401  
Telephone: 304-263-8800  
Facsimile: 304-263-7110  
Email: phoffman@jacksonkelly.com

*Counsel for Applied Research Associates, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of January 2008, I electronically filed the foregoing **APPLIED RESEARCH ASSOCIATES, INC.'S NOTICE OF MOTION** with the Clerk of Court using the CM/ECF system which will send notification of filing to the following e-mail addresses:

Jerry V. Leaphart, Esq.  
[jsleaphart@cs.com](mailto:jsleaphart@cs.com)  
*Counsel for Relator*

Philip C. Semprevivo, Esq.  
[psemprevivo@bhmr.com](mailto:psemprevivo@bhmr.com)  
*Counsel for Underwriters Laboratories, Inc.*

David M. Pollack, Esq.  
David J. Hatem, Esq.  
Patricia Gary, Esq.  
[dpollack@donovanhatem.com](mailto:dpollack@donovanhatem.com)  
[dhatem@donovanhatem.com](mailto:dhatem@donovanhatem.com)  
[pgary@donovanhatem.com](mailto:pgary@donovanhatem.com)  
*Counsel for Simpson, Gumpertz & Heger, Inc. and  
Computer Aided Engineering Associates, Inc.*

Philip Touitou, Esq.  
Kevin R. Sido, Esq.  
Renee C. Choy, Esq.  
[ptouitou@hinshawlaw.com](mailto:ptouitou@hinshawlaw.com)  
[ksido@hinshawlaw.com](mailto:ksido@hinshawlaw.com)  
[rchoy@hinshawlaw.com](mailto:rchoy@hinshawlaw.com)  
*Counsel for Wise, Janney, Elstner Associates, Inc. and  
Rolf Jensen Associates, Inc.*

Chad Everette Sjoquist, Esq.  
Louis J. Dennis, Esq.  
[csjоquist@zdlaw.com](mailto:csjоquist@zdlaw.com)  
[ldennis@zdlaw.com](mailto:ldennis@zdlaw.com)  
*Counsel for Skidmore, Owings & Merrill, L.L.P.*

Sean T. O'Leary, Esq.  
[soleary@wkgj.com](mailto:soleary@wkgj.com)  
*Counsel for Hughes Associates, Inc.*

David W. Wiltenburg, Esq.  
Jeffrey S. Margolin, Esq.  
*Counsel for Teng & Associates, Inc.*

Jason Harrington, Esq.  
Glenn Fuerth, Esq.  
[jason.harrington@wilsonelser.com](mailto:jason.harrington@wilsonelser.com)  
[glenn.fuerth@wilsonelser.com](mailto:glenn.fuerth@wilsonelser.com)  
*Counsel for Gilsanz, Murray, Steficek, LLP*

And I hereby certify that I have mailed or served the document or paper to the following non-CM/ECF participants by U.S. Mail, first class, postage prepaid and addressed to the following:

Edward B. Keidan, Esq.  
Conway & Mrowiec  
21 S. Clark St., Ste. 1000  
Chicago, IL 60603  
*Counsel for Teng & Associates, Inc.*

**s/ Gail D. Zirkelbach**

Adam S. Ennis  
SDNY Bar No. AE9468  
Jackson Kelly PLLC  
Three Gateway Center, Suite 1340  
Pittsburgh, PA 15222  
Telephone: 412-434-8804  
Facsimile: 412-434-8062  
Email: [aennis@jacksonkelly.com](mailto:aennis@jacksonkelly.com)

Wm. David Byassee, Esq.  
(admitted *pro hac vice*)  
Gail D. Zirkelbach, Esq.  
(admitted *pro hac vice*)  
Jackson Kelly PLLC  
1099 18th Street, Suite 2150  
Denver, Colorado 80202  
Telephone: 303-390-0188  
303-390-0033  
Facsimile: 303-390-0177  
Email: [dbyassee@jacksonkelly.com](mailto:dbyassee@jacksonkelly.com)  
[gdzirkelbach@jacksonkelly.com](mailto:gdzirkelbach@jacksonkelly.com)

E. Leslie Hoffman, III, Esq.  
(admitted *pro hac vice*)  
Jackson Kelly PLLC  
310 West Burke Street  
Martinsburg, WV 25401

Telephone: 304-263-8800  
Facsimile: 304-263-7110  
Email: [phoffman@jacksonkelly.com](mailto:phoffman@jacksonkelly.com)

*Counsel for Applied Research Associates, Inc.*